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SPEECH  
OF  
MR. HALE, OF NEW HAMPSHIRE,  
ON  
THE TERRITORIAL QUESTION.

DELIVERED IN THE SENATE OF THE UNITED STATES, TUESDAY, MARCH 19, 1850.

The Senate having under consideration the compromise resolutions submitted some time since by Mr. CLAY—

Mr. HALE. Mr. President, it seems to have been admitted by almost every one who has addressed the Senate on the subject which has for some time past engaged the attention of this body, that the Senate and the country at large are divided into two classes—I will not say two great classes, but one large and one very small one; that the great body of the Senate and of the country are patriotic; that they earnestly and anxiously desire that the distracting questions which divide and harass the country may be settled upon some just and patriotic grounds; while on the other hand, there are a few, designated as *extremists*, or *ultraists*, who do not desire to see any such end effected; who desire, in other words, to promote agitation; who are anxious for nothing but trouble and disturbance; whose sole purpose is to increase the irritation that already exists in the community—to keep the public mind sore, the public pulse throbbing irregularly with feverish heat. Nothing, it is said, is so strange as the physical and moral organization of these few gentlemen; agitation is the aliment upon which they feed, and by which they live: take away that, and their life, their occupation, all which furnishes them with a motive for living, is gone.

Now, I have not a word to say personally against this; I am glad, sir, that these *ultraists*, if they do nothing more, at least accomplish this much—that they afford this wholesome safety-valve to these extra exhibitions of patriotism on the part of those who are in the habit of addressing the Senate. Hardly any one seems to suppose that he has discharged the duty which he owes to the country, or done what he ought to do to satisfy his constituents, unless he mingles with the suggestions which he makes wholesale denunciations against those *ultraists*—those agitators; and even the calm and judicial mind of the Senator from North Carolina, who has just concluded his remarks, is so infected with the prevailing mania, that even he, educated as he has been upon the bench, where he learned to sanction a line of safe precedents, does not sit down satisfied that he had discharged his duty, until he had relieved his conscience of a due proportion of vituperation against these miserable fanatics and agitators.

I think, then, it must be granted that the agitators do some good—at least by affording a safe and wholesome channel through which this extra exhibition of patriotic indignation may find vent. I do hope that, if it be not conceded that they do any other good, at least credit will be accorded to them for this much. I have not a word to say in reference to the good taste or the truth and candor which prompts such a course. I make no appeal to gentlemen, who feel a consciousness in their own breasts that they are governed by high, pure, and elevated motives, to

consider how far it is consistent with a proper respect to be continually employed in depreciating and attacking the motives of others.

When I obtained the floor, sir, some time since, after the address that was delivered by the distinguished Senator from South Carolina, who is not now in his seat, I suggested that, according to my reading of history, the account which he had undertaken to give of these agitations sounded to my mind more like the romance than the truth of history, and that I designed, upon some occasion, when it suited the convenience of the Senate, to set history right in some particulars alluded to by him. And that is one of the objects I propose to myself to-day. I shall, sir, be compelled to call the attention of the Senate to the speech of the Senator from South Carolina somewhat in detail; and, in devoting some few moments to a preparation upon this subject, I endeavored to make something of an analysis of it. Before I had proceeded very far in my examination, I found it assumed the form of a regular catechism—questions and answers being given. In the first place it commenced with a concession of the fact that the Union was in great danger; then it asks—

“1. How can the Union be preserved?”

“*Answer*.—To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and character of the cause by which the Union is endangered.

“2. What has endangered the Union?”

“*Answer*.—To this question there can be but one answer; that the immediate cause is the almost universal discontent which pervades all the States composing the Southern section of the Union.

“3. What is the cause of this discontent?”

“*Answer*.—It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union.

“4. What has caused this belief?”

“*Answer*.—One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place. There is another lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. That is to be found in the fact that the equilibrium between the two sections in the Government, as it stood when the Constitution was ratified and the Government put in action, has been destroyed.”

Now, sir, the first act of this Government, in the series of these events which has broken up this equilibrium and caused this universal discontent, the honorable Senator says, is the Ordinance of 1787. I shall not undertake to go particularly into the history of that Ordinance, because it is familiar to the Senate and the country, and has been frequently referred to by gentlemen who have already addressed the Senate on this subject. This, mark you, is the first in the series of Northern aggressions by which the equilibrium which once existed, has been destroyed.

Mr. BUTLER. The word "aggression" does not occur in his speech, in that connection, at all.

Mr. HALE. I do not know exactly whether the Senator used the word "aggression" or not; perhaps he did not.

Mr. BUTLER (in his seat). I know he did not.

Mr. HALE.\* At any rate, it is one of the acts which has destroyed the equilibrium. That is it. The equilibrium is spoken of by the Senator several times, and the Ordinance of 1787 was one of the first of this series of events which, he claims, destroyed this equilibrium. And, sir, it is curious that this first act of Northern aggression—the Ordinance of 1787—was adopted in the Convention of 1787, with but a single dissenting vote, and that was a Northern vote. Yes, sir, the only vote in the Convention of 1787 against this Ordinance, which is said to have broken up the equilibrium of the States that originally existed, and which was to be perpetuated between the Northern and Southern States, was a vote from a Northern State—the State of New York; for the delegates from every other State voted unanimously for it—the delegates from South Carolina among the number.

Well, sir, what followed? I propose to show now, if the Senate will give me their attention, that this famous Ordinance of 1787, which has now got to be the Wilmot Proviso, and which is deemed to be so insulting to the Southern States of the Confederacy, if it is retained in our Federal legislation; that this Ordinance of 1787, older than the Constitution, was re-enacted by the first Congress which assembled under that Constitution, and in the preamble to the act which recognised the Ordinance it is expressly recited that it is done in order that its provisions shall be made conformable to the Constitution of the United States. The act was approved the 7th August, 1789, and is to be found in chapter 8th of the laws of the United States. The preamble I will read. It is as follows:

"Whereas, in order that the Ordinance of the United States in Congress assembled, for the government of the Territory northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States."

That, sir, was the position of the first Congress that assembled under the Federal Constitution; it re-enacted and re-established the provisions of that Ordinance. Now, sir, we have been told to-day, as well as on previous occasions, that, if this principle is insisted on, it is an insult and such a grievous wrong that the Southern States, if they remain in the Confederacy, will remain not from any principle of attachment to the Union, but from fear of the bitter consequences which might follow secession. Now, I undertake to say that I will prove, to the satisfaction of every reasonable man who can read the statutes of the country, that the principle embodied in that Ordinance of 1787, and re-enacted by the first Congress under the Federal Constitution—who declared that they did it to adapt its provisions to those of the Federal Constitution—has been continued to be re-enacted, in substance, from the time of Gen. Washington, who signed the first act, down to James K. Polk, who signed the same provision in the Oregon Bill; and that the talk which is raised by gentlemen about making an unequal and unjust discrimination about property, has no foundation which may not with equal justice be alleged against every one of the acts of the Federal Government organizing Territories, which mark our history from the adop-

\*On the second page of the speech of Mr. CALHOUN is the following sentence: "One of the causes is, undoubtedly, to be traced to the long continued agitation of the slave question as a part of the North, and the many aggressions which have since made on the rights of the South during the time."

At another place, in the same page, he says "At that time there was a perfect equilibrium between the two, which a simple measure so much to protect itself against the aggression of the other."

tion of the Constitution down to the present time. I ask the attention of the Senate to the subject. It will be found that, as early as 1794, on the 22d March, by an act of Congress, General Washington then being President—whilst the foreign slave trade was not prohibited, and could not be by the provisions of the Federal Constitution until 1808; while the trade in foreign slaves was the subject of legitimate commerce under the Constitution; while every citizen of the United States had a right, under the laws and the Constitution, to go from any port of the United States to the coast of Africa and take a cargo of slaves and bring them to any port in the United States—Congress, in 1794, made a discrimination against this species of property, and prohibited the building or fitting out of any vessel for the purpose of carrying slaves to any foreign country; they might bring them here; but Congress thus far discriminated against that species of property as early as 1794, whilst it was a subject of legal commerce under the Constitution of the United States. Congress did not interfere, provided the slaves were brought home; but they did, and utterly destroyed that species of property as an article of commerce, when an attempt was made to carry it to any foreign country. That was an act passed under George Washington. Its provisions were as follows:

"An act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country."

"Sec. 1. Prohibits building or fitting out vessels for the purpose of carrying slaves to any foreign country, or procuring them in any foreign country to carry them to another. Vessels fitted out for that purpose forfeited."

"Sec. 2. Imposes a penalty of \$2,000 on any person aiding or abetting in fitting out such a vessel."

"Sec. 3. Any owner, master, or factor of any vessel clearing for Africa, or suspected of being intended for the slave trade, are required to give bond in substance not to violate the provisions of this act."

"Sec. 4. Imposes a penalty of \$300 for every person received on board any vessel in violation of this act."

"G. WASHINGTON."

"Approved, March 22, 1794."

That is an act passed in 1794. Well, sir, other acts of a similar character, only more express and explicit in their provisions, may be found. In the act of 1798, for the settlement of the limits of the State of Georgia, and the establishment of a Government for the Mississippi Territory, passed on the 7th April, 1798:

"Sec. 3. Establishes a Government for the Mississippi Territory, in all respects similar to that now exercised in the Territory northwest of the river Ohio, excepting and excluding the last article of the Ordinance made for the government thereof by the late Congress, on the 13th of July, 1787, which provides that there shall be neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, &c."

"Sec. 7. Makes it unlawful to bring slaves into Mississippi Territory from any place without the United States, imposes a penalty of \$200 for every slave thus brought into the Territory in violation of the provisions of this act, and gives every slave thus brought in his or her freedom."

"Approved, April 7, 1798."

Look at the provisions of that act. Slaves might legally be imported into the United States for ten years after that act was passed; they might be imported, and were as much and as legally a subject of property as anything else, but Congress took occasion to regulate that species of property ten years before the prohibition to the importation of slaves was to take effect, and declared that slaves should not be carried into the Mississippi Territory from any place without the United States, and that any slave carried there became free, and a penalty was imposed on those that took them there.

Slaves were at that time—in 1798—legal articles of commerce. Congress had no power under the Constitution to prohibit vessels from going to foreign countries, and taking cargoes of slaves, and bringing them here. They were, under the Constitution, as legitimately articles of commerce as sugar or molasses. Well, Congress did undertake, that early in 1798, to say that slaves, which were recog-

nised as articles of commerce in the States, should not be carried into the Territories. That fact establishes two points. It shows that Congress legislated for the Territories, and it shows that they legislated upon this particular subject within the Territories.

Well, sir, there are other acts of a similar character. In an act erecting Louisiana into two Territories, and providing for the temporary government thereof, approved the 21st March, 1804, section 10 prohibits the bringing into said Territory, from any place without the United States, any slave or slaves, and imposed a fine of three hundred dollars for any slave so imported; and, further, the act prohibited the bringing into the Territory any slave or slaves which shall have been imported into the United States since the 1st day of May, 1793, or which shall hereafter be imported. Under the provisions of this act, passed in 1804, Congress undertook to say that slaves which had been imported into one of the slave States between 1793 and 1804, fair matters of commerce under the Constitution, should not be carried into the Territory, and imposed a penalty on any one so carrying them. Here, then, is an express and explicit recognition, on the part of Congress, of the right and authority of Congress thus to legislate upon this subject.

Under the provisions of this law, no one could move from a slave State into the Louisiana Territory in 1801, '2, and '3, and carry with him slaves imported from Africa into any State subsequently to 1793. Or if they did, they did it in violation of this law, which prohibited it.

I will not weary the Senate by going over the history of these several acts. They will, very many of them, be found in a speech delivered in this body on the 20th June, 1843, by Mr. Dix, then a member from the State of New York, and they come down to the very last Congress—because the last Congress, adhering to the legislation heretofore practiced, passed the Oregon bill, containing this very same prohibition, and it was signed by Mr. James K. Polk. He certainly must have understood it to be a constitutional prohibition, the constitutional exercise of a right vested in Congress, or he never would have signed it.

The proposition was made in both Houses to put the enactment of that clause in the Oregon bill on the ground that it was north of thirty-six degrees thirty minutes. Both Houses refused to do it. It went to Mr. Polk, and he signed it, and sent it back with a paper, the substance of which, as I read it, was, that it was constitutional then, but never would be again. That, sir, has been the legislation of Congress, older than the Constitution, coming down through successive Presidents—Washington, Adams, Jackson, Van Buren, and so on; and, in the organization of Territorial Governments in Mississippi, Louisiana, Florida, and Michigan, all in express terms recognising this right: sometimes limiting slavery to a certain class of slaves, in other instances excluding it altogether.

And now we are told that if we adhere to this long-established, well-considered construction of the Constitution; if we continue to tread in the old path which our fathers marked out for us, that the sensibility, the sensitiveness of the South, which has been sleeping for more than fifty years, will be galvanized into such activity, as to endanger the Union itself.

Well, sir, these arguments may be all potent, but I want to put history right. We are told that this agitation of the subject of slavery here is something new, and the Senator from South Carolina gave it a date of fifteen years. He said that it had commenced in 1835, and that as soon as it was introduced, he saw the mischief that was to ensue from it. The honorable Senator from South Carolina did not go back far enough; agitating papers of the sort complained of came here longer ago than that. He ought to have gone back to 1776, and he would have found one of the most "agitating" and "fanatical" papers that he could well find, beginning with the declara-

tion that all men are created equal. The agitation of this question of slavery goes back as far as that, and it shows what was the action and understanding of the men of that day. I wish to read, sir, a petition presented to the first Congress that ever assembled under the Federal Constitution, and signed by one of the great minds that framed it. I allude, sir, to Doctor Franklin; not one of these modern "agitators," not one of those unphibious animals, that have been described as flying about in the twilight, between light and darkness.

On the 12th February, 1776, Benjamin Franklin, as President of the Pennsylvania Society for promoting the abolition of slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the African race, presented a petition, which I send to the Clerk's table to be read:

FEBRUARY 12, 1790.

"A memorial of the Pennsylvania Society for promoting the abolition of slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the African race, was presented and read.

"The memorial respectfully sheweth;

"That, from a regard for the happiness of mankind, an association was formed, several years since, in this State, by a number of her citizens, of various religious denominations, for promoting the abolition of slavery, and for the relief of those unlawfully held in bondage. A just and acute conception of the true principles of liberty, as it spread through the land, produced accessions to their numbers, many friends to their cause, and a legislative co-operation with their views, which, by the blessing of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow-creatures, of the African race. They have also the satisfaction to observe, that, in consequence of that spirit of philanthropy and genuine liberty which is generally diffusing its beneficial influence, similar institutions are forming at home and abroad.

"That mankind are all formed by the same Almighty Being, alike objects of his care, and equally designed for the enjoyment of happiness, the Christian religion teaches us to believe, and the political creed of America fully coincides with the position.

"Your memorialists, particularly engaged in attending to the distresses arising from slavery, believe it to be their indispensable duty to present this subject to your notice. They have observed, with real satisfaction, that many important and salutary powers are vested in you, for promoting the welfare and securing the blessings of liberty to the people of the United States;" and, as they conceive that these blessings ought rightfully to be administered without distinction of color to all descriptions of people, so they indulge themselves in the pleasing expectation that nothing which can be done for the relief of the unhappy objects of their care will be either omitted or delayed.

"From a persuasion that equal liberty was originally the portion and is still the birthright of all men, and influenced by the strong ties of humanity and the principles of their institutions, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bonds of slavery, and promote a general enjoyment of the blessings of freedom.

"Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone in this land of freedom are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote mercy and justice towards this distressed race; and that you will step to the very verge of the power vested in you, for discouraging every species of traffic in the persons of our fellow-men.

"BENJ. FRANKLIN, President

"PHILADELPHIA, February 3, 1790."

Objection was made to the reception of the petition, and a debate ensued, when a motion to refer it to a committee prevailed, by a vote of 43 yeas to 11 noes. It was considered in committee, reported on, and the whole subject was under debate on the 5th, 8th, and 9th of March, 1790—the proceedings of which action in Congress may be found in the Journals, page 180. I only refer to this history to show that there were "fanatics" and "agitators" in earlier times than the year 1835; that there were men who were affected with this "mania" long ago; and that amongst those upon whose grave must fall the de-

nunciations that are so freely and frequently heard here, is the man who alone of mortal man had vision enough to answer the question proposed by the Almighty to his servant long ago, when he asked him if he "can discover the way of the lightning of thunder?"

Well, sir, I have another document, and a very curious one it is, too, referring to the action on this subject later in the history of Congress. It is to be found in the fourth volume of the House Journals, page 381, second session of seventh Congress, under date of March 2, 1803; and it is, sir, a case in point. The Territory of Indiana then being under the provisions of the Ordinance of Freedom of 1787, the people of Indiana, through a public meeting, of which William Henry Harrison was President, petitioned that this article of the Ordinance of '87, prohibiting slavery in the Territory, might be suspended for a given number of years—about ten, I believe it was. The petition was referred to a committee, of which the celebrated John Randolph, of Virginia, was chairman. I desire to read an extract from his report, because it shows what sentiments obtained in Virginia on this subject, in 1803:

*House Journal, Vol. 4, Page 381—2d Session 7th Congress—March 2, 1803.*

"Mr. Randolph from the committee to which were referred a letter from William Henry Harrison, President of the Convention held at Vincennes, declaring the consent of the people of Indiana to the suspension of the sixth article of compact between the United States and the people of that Territory, also a memorial and petition of the inhabitants of the said Territory, made the following report:

"That the rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region; that this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration.

"From such a consideration as they have been enabled to bestow on the subject at this late period of the session, and under the pressure of accumulating business, they recommend the following resolutions, which are respectfully submitted to the judgment of the House.

"1) Resolved, That it is inexpedient to suspend, for a limited time, the operation of the sixth article of compact between the original States and the people and States west of the Ohio.

"2) &c., &c."

And, sir, is there a citizen of Indiana to-day, who will not rise up and do credit to the sagacity and philanthropy of John Randolph, when he told them that, in the wisdom and sagacity of that exercise of power, they would find ample remuneration for any temporary grievance they might be suffering under, by the present application? And, sir, here was a case stronger than any which has been or can be presented here—a case of a Territory of the United States, settled by freemen, with slavery interdicted, who come forward and ask Congress to relieve them from that interdiction—to relieve them from that prohibition—and Congress refused to do it. And they refused to do it upon the report from which I have just read—that made by Mr. John Randolph, of Virginia. Now, sir, I think I may safely leave that part of the subject, the Ordinance of 1787, having shown that it was not imposed by a part, but that it was the net of the whole country. It was impressed upon the legislation of the country at its earliest period; it has continued there ever since and it remains there now. What do gentlemen want? On the principle that they contend for, that it is an insult, do they want to repeal the bill establishing the Oregon Territory? Do they want it obliterated from the history of our legislation? They can speak for themselves, sir, on that point.

The second matter which has disturbed the equilibrium, according to the arguments of the Senator, is the Missouri Compromise. Sir, the Missouri Compromise disturbed the equilibrium of those Northern Representatives that voted for it, more than anything else that ever happened; and that is the only equilibrium I ever heard of as being disturbed by that Compromise. Not only did it disturb their equilibrium, but it threw them entirely off it, and, with but very rare exceptions, these politicians have not yet recovered their equilibrium, and, what is more, they never will. Well, sir, if, according to the argument of the Senator from South Carolina, the Missouri Compromise was such an odious measure, and has had such an injurious effect upon the South, is it not singular that we find nearly every Southern man voting for it, and every Northern man voting against it, whenever it is offered? At the last session, when a motion was made to insert the Missouri Compromise in a Territorial bill, nearly every gentleman representing a Southern State on this floor voted for it, and the Northern men, as a body, were against it. Then, sir, it is the South who were aggressive, and who were destroying the equilibrium; and it is the North who have resisted it. And further, has not every other Southern gentleman who has spoken here of that Compromise characterized it as a great healing measure, and as one that gave quiet, peace, and security to the country, and will do it again, if adopted? And is it not a curious spectacle that they should thus ask us to return and settle down on one of the very measures that, in the opinion of the Senator from South Carolina, has been so potent and effectual in destroying the equilibrium?

Yes, sir, the Missouri Compromise, which is designated by the Senator from South Carolina as the great equilibrium-destroyer, has been lauded in our presence as a measure of peace and concord, and as one that the South is willing to take and abide by now. Yes, sir, this measure, which Southern gentlemen now express their readiness to receive and abide by, the Senator from South Carolina puts second in his list of the measures which have destroyed the equilibrium and produced discontent in the South!

Well, sir, the third measure of which the Senator speaks as destroying the equilibrium between the sections, and producing this great discontent in the South, is the Oregon bill! If this be so, it must, indeed, have had a wonderfully rapid influence, for it was only passed in August, 1848, has been but about a year and a half in operation, and, indeed, I do not know whether any despatches have been received by this Government, informing us of the organization of the Government instituted at that time; if they have been, they have not been laid before Congress. Is it possible, then—can the Senator from South Carolina be serious, when he mentions the Oregon bill as one of the three measures of the Government which have produced such universal discontent at the South that they can no longer remain in the Union? What possible influence can the Oregon bill have had on the South within the brief time that has transpired since its passage? I will not spend more time on this subject. The charge is preposterous.

I have another document to which I will here refer, as it shows that there was discontent and talk of disunion in the South long before this Oregon bill was thought of. The Senator from South Carolina speaks of the abolition fanatics in 1835, (which is the time, as he says, they commenced their operations,) as being small and contemptible, and as having no sort of influence and consideration. Now, what was the declaration of the Senator in 1835, the very time when he states this faction was so small and contemptible? In Niles's Register of 1835, 49th vol., 43d page, is an extract of a letter from John C. Calhoun to the editor of the Washington Telegraph. He says:

"Since you passed through the South, the excitement in

relation to the Northern fanatics has very greatly increased. The indications are, that the South will be unanimous in their resistance, and that their resistance will be of the most determined character, even to the extent of *disunion*, if that should be necessary to arrest the evil. I trust, however, it may be arrested far short of such extremity."

From this it appears that as long ago as 1835, the South—all the South he speaks for—had come to such a unanimous determination to resist the Northern fanatics, that, if they could not put them down in any other way, they were ready to dissolve the Union. "Small and contemptible as this faction then was," to use the language of the Senator from South Carolina, it was potent enough, it seems, to work up the whole South to a determination to dissolve the Union if they were not put down.

I wish to call the attention of the Senate to another view of this question of the equilibrium. The Senator from Georgia, [Mr. BERRIES,] in his speech the other day, puts this significant question to Senators from the Northern States. He says:

"Now, sir, revert to the period when this Constitution was entered into—when thirteen Confederate States, loosely connected together, mutually grasping hands, drew more closely the bond of union; and now tell me, do you believe, does any man believe, that it consists with the spirit and intention of the framers of that instrument, with the feeling of that moment, that you should circumscribe slavery within limits within which, in process of time, it could no longer exist? That were to deny to us the privilege of exercising the rights with which we came into the Constitution, in the manner in which we had exercised and were exercising them when the Constitution was formed. It would be in effect to say to us, we will allow you to hold slaves, if you will keep them within your present limits; but in the future acquisitions which we make of territories, by our joint and equal efforts, even of such as are fitted to your own peculiar kind of labor, *hands off*—slavery shall never be extended with our consent; the banner of this free Republic shall never wave over another slave State, whether it were originally free or slave. If this proposition had been made to our fathers in that Convention, what think you would have been their answer? I will not trust myself to express it. Do you believe that this Constitution would have been formed under such circumstances?"

Now, sir, it seems to me that an all sufficient answer to this question is to be found in the fact that the Constitution was formed under precisely the circumstances on which he speculates. Under what circumstances was the Constitution formed, sir? Why, every inch of territory which the States then owned was subject to this very prohibition! Every inch of territory by that provision of the Continental Congress, ratified by the first Congress under the Federal Constitution, was subjected to the inhibition of slavery, and was carved out to be admitted into the Union as five free States. The Senator's question, therefore, has a historical answer. They not only would have entered the Confederation with such a prohibition, but they actually did enter it under just such a state of facts as the question presupposes. So much for the "equilibrium" in this point of view.

In another part of his speech the Senator from South Carolina says, that, next after the Ordinance of 1787, the Missouri Compromise, and the Oregon bill, among the causes which have produced discontent at the South is the system of revenue and disbursements adopted by the Government. He says:

"The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue; because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North than its due share; and that the joint effect of these causes has been to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection—that is, intended to put money, not in the treasury, but directly into the pocket of the man-

ufacturers—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty; but it is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population, by attracting emigration from all quarters to that section.

"This, combined with the great and primary cause, amply explains why the North has acquired a preponderance over every department of the Government, by its disproportionate increase of population and States."

I think it well for the Senator that he did not undertake to show that, for he knows that the duties fall upon and are paid by the consumers, be they where they may. A State, therefore, which has a population ten times greater than that of another State, and consumes imports in that proportion, pays ten times more revenue. No matter where the imports go, those who consume them pay the duties upon them. Go into the manufacturing towns and villages, where they consume a large amount of sugar and other dutiable articles, do they not pay the duty on their importation? And is not the fact true always, that it is the consumer, wherever he may be, who pays the duty? Sir, the fact is undeniable.

The Senator undertakes to show that by far the greater portion of our revenue has been disbursed at the North, or more than its due share. Now, sir, that struck me as the most bold assertion in the whole speech. Is all history, sir, to be set at naught in this matter? The disbursements greater at the North than in the South! Why, sir, in the State in which I live, aside from the expenses of collecting the revenue, not \$50,000 of the public money has been spent in fifty years. No, sir, the expenditures of the Government are not made there; the officers of the Government do not come from the North, nor are the great contracts made there. What is it that consumes one-half, aye, three-fourths, of your revenue, but the army and the navy, and where is it expended? Why, where your Indian wars occur, your Seminole and Creek wars—in the Southern, and not in the Northern portion of these States. Why, sir, the idea that an undue proportion of the money collected by the General Government has been disbursed in the Northern States, is, to say the least, one in as direct opposition to the truth of history as any statement which could possibly be made. A friend has collected for me some statistics showing the expenditures of the Government, one item of which I will refer to, which is well calculated to show the proportion between the free and the slave States. By the returns of the Post Office Department for the year 1847, it appears that there was collected in the fifteen free States, by way of postage, a sum exceeding the expenses of the Department in these States for that year by \$576,000, while there was a deficiency to the same amount in the slave States. Thus there was a direct tax collected in small sums from the North, to the amount of over \$500,000 in one year, for that single Department of Government; and I apprehend that if the other Departments were examined, it would be found that the Post Office was in fact the one under which the North suffered least. Why, in our little State of New Hampshire, there is a direct tax for postage to the amount of over \$15,000. The revenue collected there for postage in that year was \$40,650, and the expenditures \$25,500, leaving us with a direct tax of \$15,150 for that year! And, sir, it cannot be said that these letters were received from commercial correspondents, because we have no great commercial emporium in the State. No, sir, this tax is collected from those manufacturing operatives of whom mention is sometimes made here. It is a tax on the affections of the human heart, on filial love and reverence, on correspondence with parents, children, and friends, and it is collected from the hard-working men and women of the North, for the support of this Government. Yet we do not complain of it;

but in the face of all this it is rather hard to be told that our prosperity is all owing to the undue amount of Government expenditures made in the Northern States. Why, sir, it would be a curiosity in the part of the country in which I live to hear of the expenditure among them of a dollar of the money of the General Government, over and above just what is necessary to collect the revenue to be spent elsewhere. So much for this subject.

Again, says the Senator from South Carolina :

"It is thus admitted, that many of the duties were imposed, not for revenue, but for protection; that is, intended to put money, not in the treasury, but directly into the pocket of the manufacturers—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty, but it is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population by attracting emigration from all quarters to that section."

Now, sir, let us examine this point. It is the tariff, then, that has done injury to the South, and produced discontent there. Now, I have been at some little pains to examine the history of the various tariffs, and our revenue policy, and I find that the first tariff act was passed on the 4th of July, 1789, and the preamble to it is in the following words :

"Whereas it is necessary, for the support of Government, for the discharge of the debts of the United States, and for the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise, imported."

The yeas and nays were not taken on the bill in either House. The next year the duties were largely increased, and I think in some instances that they were doubled, and the bill for that purpose passed the House of Representatives, yeas 40, nays 15; and as a curiosity I will read the votes of the States on that measure :

	Yeas.	Nays.		Yeas.	Nays.
New Hampshire	2	1	Delaware	1	0
Massachusetts	0	8	Maryland	3	2
Connecticut	3	2	Virginia	7	0
New York	4	1	North Carolina	5	0
New Jersey	2	0	South Carolina	3	1
Pennsylvania	7	0	Georgia	3	0
				40	15

The tariff remained substantially as it was established by the act of 1790—with the exception of the acts passed during the war, which were considered as war measures—until 1816. I have not got the precise date when that act was approved, but I think it was in April, 1816. Then the war was over, and it became necessary to abandon the war acts passed during its prosecution, and to settle down on something like a permanent policy, and a tariff act was passed. It passed the House of Representatives, yeas 55, nays 54; and as the yeas and nays upon it are somewhat interesting, I will read them by States :

	Yeas.	Nays.		Yeas.	Nays.
New Hampshire	1	3	Maryland	2	5
Massachusetts	7	4	Virginia	7	11
Rhode Island	2	0	North Carolina	0	11
Connecticut	2	2	South Carolina	4	3
Vermont	5	1	Georgia	3	3
New York	20	2	Kentucky	6	1
New Jersey	5	0	Tennessee	3	2
Pennsylvania	17	3	Ohio	4	0
Delaware did not vote.			Louisiana	0	1
				88	51

And among the yeas on the passage of that bill stands recorded the name of JOHN C. CALHOUN, one of the Representatives from South Carolina. That was in 1816. The tariff policy of the country continued without material alteration until 1824, when another bill on the subject passed the House, yeas 107, nays 102. South Carolina then changed front on the question. But I wish to call the attention of the Senate to the vote of New England on the sub-

ject, because she has been considered the greatest sinner in regard to it. Her vote on the tariff was yeas 15, nays 23, as follows :

	Yeas.	Nays.		Yeas.	Nays.
Maine	1	6	Connecticut	5	1
New Hampshire	1	5	Rhode Island	2	0
Massachusetts	1	11	Vermont	5	0
				15	23

And such had been the uniform policy of that portion of the country. But the history of the tariff acts that have been passed show that the Northern States have generally objected to them, and that too against the power and the eloquence of the Senator from South Carolina, in 1816, in the House. And when this policy was forced on New England, and forced on her too by Southern votes, against her own wishes, then, sir, the genius, the enterprise, and the industry of her people began to accommodate themselves to that state of things, and because she flourished under it, it is made a charge against her, and forms the next point in the indictment against the North for disturbing the equilibrium between the sections.

Another evil of which the Senator from South Carolina complains, is as follows, to use his own language :

"But while these measures were destroying the equilibrium between the two sections, the action of the Government was leading to a radical change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show that the process commenced at an early period of the Government; that it proceeded, almost without interruption, step by step, until it absorbed virtually its entire powers; but without going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

"That the Government claims, and practically maintains the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. That it also claims the right to resort to force to maintain whatever power she claims against all opposition, is equally certain."

His charge is, that this Government has changed gradually from a federal republic to a consolidated democracy. Who has done it? From the very adoption of the Constitution down to the present time, what counsels have prevailed? Northern or Southern? Who have been the Presidents of the United States? Northern men or Southern men? Again, with reference to the action of the Supreme Court, who have been on the bench of that court? History will show that there has been no time when you would trust Northern men there, so as to constitute a majority. Though a man may have crept to the foot of power in the most abject manner, the North could never be trusted so far as to have her citizens constitute a majority on the bench of that court. There has always been a majority of Southern men on that bench; and I say, sir, that the South has always controlled the policy of this Government. I think the honorable Senator from Kentucky was magnanimous enough the other day, in his speech, to acknowledge this. Not only the legislative but the judicial power has always been in the hands of the South. If the question was asked to day, of the most ordinary or the most astute observer of passing events, who it is of all men that has had the most to do to control and shape the policy of this Government, and make it what it is, the answer would be that it is the honorable Senator from South Carolina, [MR. CALHOUN,] who makes this charge. Did he not tell us, with the in modesty which always belongs to him, and with the honesty and truth which characterize him, that he more than any other man effected the acquisition of Texas to this country? He was then a private citizen. If he could, in perfect consistency with historical truth, say that he more than any one else effected that great act, by which that country was annexed and made a part and parcel of our own, what must have been his influence while he occu-



pled a seat in the other House in the pride of his power, or when for eight years he was at the head of the Department of War, and for six years filled the chair which you now occupy, if he could thus control public policy in his retirement? No, sir, great and commanding as has been the influence of other gentlemen in the councils of this nation, if there be any one man who has stamped upon its character and features the impress of his thoughts and purposes, that man is the honorable Senator from South Carolina, who addressed the Senate the other day on this subject. But now he comes in and files a bill of indictment against the North for doing that which all along they have resisted and remonstrated against.

The next part of the speech to which I wish to direct attention is the assertion that—

“Nevertheless, as small and contemptible as the party then was, both of the great parties of the North dreaded them. They felt that, though small, they were organized in reference to a subject which had a great and commanding influence over the Northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who might do so, by favoring their petitions. The effect was that both united in insisting that the petitions should be received, and that Congress should take jurisdiction of the subject for which they prayed.”

And speaking on the subject in another part of the speech, on the 8th page, he says:

“And Congress is invoked to do all this expressly with the view to the final abolition of slavery in the States. That has been avowed to be the ultimate object from the beginning of the agitation until the present time; and yet the great body of both parties of the North, with the full knowledge of the fact, although disavowing the abolitionists, have co-operated with them in almost all their measures.”

If I understand this, sir, it is a distinct avowal that the abolition movement has been received with public favor from the commencement, by both parties, in both Houses of Congress, from the North, and at home. I undertake to say that a declaration more at war with the truth of history could not possibly be affirmed in language. The Abolitionists, instead of being received with public favor at the North, by either party, have been denounced in every possible form in which language could denounce them. The meetings which they have holden in public places have been broken in upon by lawless mobs. They have been driven from the places where they had assembled for the exercise of a constitutional right, and to such an extent had this spirit progressed, that the buildings in which they had assembled, and had been peaceably exercising the rights of citizens, under the Constitution, have been, in at least one instance, burnt to the ground by a mob. I don't refer to these matters for the purpose of re-opening any wounds that may have been healed up by the soothing influence of time, but I do contend that, if the Senate means to do justice, and the country means to do justice, it is necessary and right that the truth upon this subject should be made known.

Sir, there never has been a sect that has arisen since the Christian era, that has been met at every turn, on every hand, on every side, and by all parties, with more bitter, violent, unrelenting persecution, than these same Abolitionists have been. Instead of growing up by the public favor of the North, they have grown up in spite of the most determined opposition. They have lived upon persecution; persecution and denunciation have been everything which they have had. And, sir, to show that upon this matter I do not speak without book, I will refer in the first place, to the proceedings of Congress on this subject. I will show how far it is true, in reference to the House of Representatives, that both parties from the North have united in receiving their petitions and taking jurisdiction of the subject. The year 1835 is the time which is assigned as the commencement of this agitation; the time at which both parties at the North united in giving them public favor; the time at which both parties in Congress

united in insisting that Congress should take jurisdiction of the subject, and that the petitions of the Abolitionists should be received. It will be found, sir, that in the House of Representatives, on the 8th day of February, 1836, Mr. Pinckney introduced the following resolution:

“Resolved, That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, (Mr. Jarvis,) with the amendment thereto proposed by an honorable member from Virginia, (Mr. Wise,) together with every other paper or proposition that may be submitted in relation to the subject, be referred to a select committee, with instructions to report:

“That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy; and

“That in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union—assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation to secure and maintain the just rights of the slaveholding States and of the people of this District, and to restore harmony and tranquillity amongst the various sections of this Union.”

That resolution passed the House by a vote of yeas 167, nays only 6. That committee reported, and they reported three resolutions:

1. “Resolved, That Congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this Confederacy.

2. “Resolved, That Congress ought not to interfere, in any way, with slavery in the District of Columbia.

“And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following resolution, viz:

3. “Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way or to any extent whatever to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.”

1. Passed: Yeas 182, nays 9.

2. Passed: Yeas 132, nays 45.

3. Passed: Yeas 117, nays 68.

2d session, 24th Congress, page 237.

JANUARY 18, 1837.

“Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or to the abolition of slavery, shall, without being printed or referred, be laid upon the table, and that no further action shall be had thereon.”

Passed: Yeas 129, nays 69.

Mr. Patton's Journal II. R., 2d session, 25th Cong., p. 127.

DECEMBER 21, 1837.

“Resolved, That all petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or transferring of slaves, in any State, District, or Territory of the United States, be laid upon the table, without being debated, printed, read, or referred, and that no further action, shall be had thereon.”

Passed: Yeas 122, nays 74.

3d session, 25th Congress, page 51.

DECEMBER 11, 1838.

1. “Resolved, That this Government is a Government of limited powers; and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of the Confederacy.

2. “Resolved, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of the plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

3. “Resolved, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia or the Territories, as a means and with a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the right of the States affected, and a breach of the public faith on which they entered into this Confederacy.

4. “Resolved, That the Constitution rests upon the broad principle of equality among the members of this Confed-

eracy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

5. "Resolved, therefore, That all attempts, on the part of Congress, to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the country and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principles on which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way or to any extent whatever to slavery, as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table, without being debated, printed, or referred."

1. Passed, Yeas 128, nays 6.

2. Passed 1, Yeas 136, nays 65.

1st member of 3d resolution passed: Yeas 170, nays 30.

2d member of 3d resolution passed: Yeas 161, nays 39.

1st member of 4th resolution passed: Yeas 182, nays 26.

2d member of 4th resolution passed: Yeas 171, nays 35.

1st member of 5th resolution passed: Yeas 119, nays 52.

2d member of 5th resolution passed: Yeas 128, nays 78.

*Journal H. R., 1st session, 26th Cong., page 284*

JANUARY 28, 1840.

"No petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

Rule adopted. Yeas 114, nays 108.

That is the action of the House; the action of the Senate has been, if possible, more decided, because they have uniformly refused to receive petitions addressed to them upon this subject to this day.

In January, 1838, the Senate, on motion of the Senator from South Carolina, [Mr. CALHOUN,] passed several very stringent resolutions against the movements of the Abolitionists, one only of which I will read to the Senate, as a fair specimen of the whole:

"Resolved, That this Government was instituted and adopted by the several States of this Union as a common agent in order to carry into effect the powers which they delegated to the Constitution for their mutual security and prosperity; and that, in fulfillment of this high and sacred trust, this Government is bound so to exercise its power as to give, as far as may be practicable, increased stability and security to the domestic institutions of the States that compose the Union, and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions."

Such, sir, was the manner in which both parties united, in the language of the Senator from South Carolina, "in insisting that the petitions should be received, and that Congress should take jurisdiction of the subject for which they prayed."

Now, sir, I want to call the attention of the Senate to the manner in which this movement was received by the people at the North. I have, at some trouble, looked up the necessary documents, to show how they were received by the people at large.

"Meetings of the people have been held in nearly all of the chief cities and towns in the Northern States, at which the proceedings of the abolitionists were reported and discussed with great unanimity and much zeal"—*Niles's Register, October 3, 1835.*

These meetings, as will be seen by the papers of the day, were held at New York, Boston, Albany, and the other principal places in the free States. Of the character of the resolutions passed at Albany, the Richmond Enquirer said:

"And the resolutions we had with delight the meeting and resolutions at Albany; they are up to the hilt; they are in perfect unison with the rights and sentiments of the South; they are divested of all the metaphysics and abstractions of the resolutions of New York; they are free from all qualifications and equivocations; in the denunciation of the evils of slavery, no pompous assertions of the rights of disunion; but they announce in the most unqualified terms that it is a Southern question, which belongs, under the Federal compact, exclusively to the South; they denounce all attempts upon it in the other States, which, from their very nature, are calculated to inflame the pub-

lic mind, and put in jeopardy the lives and property of their fellow-citizens, as at war with every rule of moral duty and every suggestion of humanity; and they reprobate the incendiaries who will persist in carrying them on as disloyal to the Union."

I will not weary the Senate by reading reports of such meetings held in the principal cities and towns of the North. The papers of that day contain abundant evidence to satisfy the most incredulous. But all this did not satisfy the South; they demanded that the Abolitionists should be put down by law in the free States. The (newspaper) Southern Patriot said:

"Let the declaration that discussions which from their nature tend to inflame the public mind and put in jeopardy the lives and property of our fellow-citizens, and are at war with every rule of moral duty and every suggestion of humanity, be only embodied in some legislative act, with appropriate penalties, and the South seeks no higher and better security."

A city meeting at New Haven, Connecticut, was held September 10, 1831, called by Dennis Kimberley, Mayor of New Haven, to consider a plan for the establishment in that city of a college for the education of colored youths; at which meeting it was—

"Resolved by the Mayor, Aldermen, Common Council, and freemen of the city of New Haven, in city meeting assembled, That we will resist the establishment of the proposed college in this place by every lawful means.

"March, 1831.—Town meeting at Canterbury, Connecticut, in reference to Miss Crandall's school for females of color. Resolutions were passed expressing the most decided determination that the school should not be established in that town.

"May 21, 1831.—Act passed by the Legislature of Connecticut prohibiting schools for colored persons from other States. (In 1835, a petition to the Legislature for the repeal of this act was rejected.)

"June 27, 1831.—Miss Crandall was imprisoned in Brooklyn, Connecticut, on the charge of having taught persons of color from out of the State.

"September 30, 1831.—An assault was made on Miss Crandall's house, while a clergyman was holding a religious meeting there. Rotten eggs and other missiles were thrown at the windows.

"The well of the house on another occasion was filled with oil, &c.

"A newspaper in Connecticut says: 'The committee of the First Ecclesiastical Society in Canterbury have seen proper to prohibit the scholars of Miss Crandall's school from attending Divine worship in the meeting-house on Canterbury green.'"

There was no other meeting-house within three miles.

"May 27.—The Mayor and Aldermen of Boston rejected an application of 125 citizens for the use of Faneuil Hall, for the purpose of holding a meeting in which to plead the cause of the slaves.

"August 10, 1835.—Canaan Academy, New Hampshire, was drawn off by a mob, for the crime of admitting colored youths.

"August 10, 1835.—Disturbance at Worcester, Massachusetts. While the Rev. Orange Scott was lecturing on slavery, some individuals tore up the lecturer's notes, and offered violence to his person.

"September 17, 1835.—A gallows was erected in front of Mr. Garrison's, in Brighton street, Boston, with this inscription: 'By or at the Judge Lynch.'

"July 4, 9, 10, and 11, 1835, the Abolitionists were mobbed in New York. Churches and stores were broken into and injured, and the dwelling-houses of several Abolitionists were mobbed. The furniture of one was burnt in the street. The persons of Abolitionists were threatened. Both political parties joined in the outrage.

"These mobs were instigated by the press and pro-slavery public meetings. The clergy did not discountenance the proceedings that led to them. Chancellor Walworth (Dem.) and Chancellor Frelinghuysen (Whig) made speeches at a public meeting against the Abolitionists, and popular clergy men ridiculed the "fanatics."

"During the month, a whole division of troops was under arms. The mob ruled the city for several days, and was finally dispersed by the authorities acting efficiently, when it was understood that, tired of mobbing Abolitionists, the mob was turning its attention to the Banks in Wall street.

"An Anti-Slavery Convention, held at Utica, New York, October 21, 1835, in the Baptist meeting-house, was mobbed by the citizens of Utica, headed by a committee of twenty five, composed of prominent members of both political parties appointed at a meeting held at the court-house.

"At a meeting in the court house, a prominent individual justified in express words the gross violation of the law at Charleston, South Carolina. 'These occasions,' said he, 'will find a law for themselves. I go for revolution when it is necessary.'

"Adverting to the sending Abolition publications to the South, he remarked: 'If other means will not do, the mail should be blocked up on that subject.'

"At a public meeting of the citizens, a resolution was passed that the community *will not submit to the indignity of an Abolition assemblage being held in a public building in this city.*

"The mayor of the city, the first judge of the county, the county clerk, the postmaster, the district clerk, and other prominent citizens of both political parties, took part in the meeting, and most of them were of the committee of twenty-five, and the judge, postmaster, &c., retained their offices. While the Convention was in session, the chairman of the committee of twenty-five, followed by a mob of five hundred, entered the meeting house, interrupted the proceedings, demanded that it should break up and disperse, which was done.

"The Abolitionists went through the mud thirty miles to Peterborough, where they resumed business in the village church.

"October 21, 1835.—The very day of the mob at Utica, New York, a mob of five thousand 'gentleman of property and standing' assembled in Washington street, Boston, in broad daylight, which succeeded in demolishing signs, books, doors, &c., dispersing a Female Anti-Slavery Society, and attacking the editor of the *Liberator*, Mr. Garrison."

The Boston Atlas thus describes this mob :

"He was found crouched under a pile of boards in a second story of a carpenter's shop, and here he surrendered at discretion. A rope was fastened under his arms and about his neck, and he was let down, by means of a ladder, to the ground; his countenance was pale and convulsed with terror, and he made no attempt to speak or to resist. There was a very general exclamation of 'don't hurt him,' and two individuals seizing him on each side by the collar, he was conducted through the lane into State street, and from thence hurried into the Mayor's office in the City Hall."

The Boston Gazette thus describes this mob :

"We never before saw so gentlemanly a *rabble*, if *rabble* it may be called, as that assembled yesterday; they opened to the right and left in the greatest possible order when a female attempted to pass in or out; not only so, but when a procession of ten or a dozen *black ladies* made known their wish to be admitted, the same was done for them, without the slightest token of disapprobation being manifested. It was, in fact, a meeting of gentlemen of property and standing from all parts of the city, who were disposed, and still are determined, at all hazards, and come what may, to preserve the peace of the city from all domestic incendiaries, as well as to protect the Union against foreign interference."

In 1836, Elijah P. Lovejoy removed the St. Louis Observer to Alton, Illinois. Mr. L. discussed the question of slavery. Meetings were held, and resolutions were passed, calling upon him to desist; they forbade him to utter his sentiments on that subject in *any manner*. Mr. Lovejoy refusing to recognise the inquisitorial authority which his fellow-citizens had assumed, his press and type were destroyed by a lawless mob. Another press and type were procured, which, on the day of its arrival at Alton, was forcibly taken from the warehouse in which it was placed by order of the Mayor, broken to pieces, and thrown into the Mississippi. The mayor arrived while the lawless work was going on, and ordered them to disperse; they replied that they would do so as soon as they got through. A few days subsequent to this, Mr. Lovejoy was assailed by a mob, and rescued from their hands only by the heroic interference of his devoted wife. On every side, his ears were assailed by the most fiendish threats, and his steps were dogged by remorseless foes, who had bound themselves under curses to take his life. His family was threatened, his house frequently assailed, and night after night his wife driven from a sick bed into the garret, to save her life from the brickbats and from the violence of the mob. Three presses had been destroyed, and a fourth was procured, which, under the superintendence of the mayor, was stored away in a warehouse on the 7th of November, 1837. In the evening, the warehouse was

stormed with stones, pistols, and muskets, windows were broken in, and the building was fired. Among those of the defenders who sallied forth to extinguish the flames was the lamented Lovejoy, who was shot at by one of the ruffians, and deliberately murdered. To escape the devouring flames, the rest of the defenders abandoned the building, and were fired upon as they fled. The press and type were thrown into the river.

In 1836, the press of the Philanthropist was established at Cincinnati, with a view to the promulgation of anti-slavery sentiments. In January, an immense meeting of citizens of all parties was held at the court-house, over which the mayor presided. A committee was appointed of leading men of the city, to draught resolutions expressive of the sense of the meeting against the discussion of the slavery question. The resolutions reported took the strongest ground against the agitation of the subject of slavery in every form, denounced the Abolitionists, and called upon the citizens to exclude the Philanthropist, the Abolition organ, from their houses. In July of the same year, a mob, headed by young men belonging to the wealthy families, at midnight broke into the printing office of the Philanthropist, and destroyed its press. A new one was forthwith set up. Another mob, a few weeks later, encouraged by the leading men of both parties, assembled at sundown, broke into the Anti-Slavery Depository, made a bonfire of its publications, broke into the printing office, pulled down the press, dragged it to the Ohio river, and threw it in; after which, it instituted a search for several prominent Abolitionists, for the purpose of tarring and feathering them. The press was re-established; but in 1840 another mob, which held possession of the city for three days, assailed the office, tore down two printing presses, dragged them in the face of the military through the main street to the river, in which they precipitated them. Against all this violence, and the hostile sentiment out of which it grew, the Anti-Slavery men contended, until the public opinion of the city was changed, and the liberty of speech and of the press completely established; and there is now no large city in the Union in which the Anti-Slavery sentiment is more decided and more controlling.

These are but a few specimens, out of hundreds with which the records of that day are filled, of the manner in which Abolitionism was received by the Northern people. Every principle of law, and every safeguard of property, and every propriety of civilized society, were violated by both parties at the North to put down this movement. And, sir, they vied with each other to see who might go the farthest; and the men that said the severest things, and who did the severest things against the Abolitionists, were those who supposed they were commending themselves most to public favor. And yet, sir, in the face of this undoubted history of the facts of the case, it is now asserted that they were received with favor by both parties at the North, and that both parties did their bidding. It has been charged against the Abolitionists, also, again and again, that throughout this movement they were sending emissaries to the South, preaching insurrection to the slaves. In 1835, when this movement first started, it is due in justice to the Abolitionists to say, that they disavowed it in the most solemn manner, and have continued to disavow it from that day to the present, although the assertion is repeated here almost every time that any gentleman has occasion to speak upon this subject. The facts are, that from the time when this movement first had its origin at the North, down to the present time, these same Abolitionists have disavowed any such intention. I read, sir, an extract from the authorized exposition of the views of that society, made in 1835, and signed by all their officers :

"In behalf of the American Anti-Slavery Society, we solicit the candid attention of the public to the following declaration of our principles and objects :

"1 We hold that Congress has no more right to abolish slavery in the Southern States than in the French West India Islands. Of course we desire no national legislation on the subject.

"2 We hold that slavery can only be lawfully abolished by the Legislatures of the several States in which it prevails, and that the exercise of any other than moral influence to induce such abolition is unconstitutional.

"3 We believe that Congress has the same right to abolish slavery in the District of Columbia that the State Governments have in their respective jurisdictions, and that it is their duty to efface so foul a blot from the national escutcheon.

"4 We believe that American citizens have the right to express and publish their opinions of the Constitution, laws, and institutions of any and every State and nation under heaven, and we mean never to surrender the liberty of speech, of the press, or of conscience—blessings which we have inherited from our fathers, and which we intend, as far as we are able, to transmit unimpaired to our children.

"5 We have uniformly deprecated all forcible attempts, on the part of the slave, to recover their liberty; and were it in our power to address them, we would exhort them to observe a quiet and peaceful demeanor, and would assure them that no insurrectionary movements on their part would receive from us the slightest aid or countenance.

"6 We would deplore any servile insurrection, both on account of the calamities which would attend it, and of the occasion it might furnish of increased severity and oppression.

"7 We are charged with sending incendiary publications to the South. If by the term incendiary is meant publications containing arguments and facts to prove slavery to be a moral and political evil, and that duty and policy require its abolition, the charge is true. But if this charge is used to imply publications encouraging insurrection, and designed to excite the slaves to break their fetters, the charge is unequivocally false. We beg our fellow-citizens to notice that this charge is made without proof, and by many who confess that they have never read our publications; and that those who make it offer to the public no evidence from our writings in support of it.

"8 We are accused of sending our publications to the slaves; and it is asserted that their tendency is to excite insurrections. Both the charges are false. These publications are not intended for the slaves; and were they able to read them, they would find in them no encouragement to insurrection.

"9 We are accused of employing agents in the slave States to distribute our publications. We have never had one such agent. We sent no packages of our papers to any person in those States for distribution, except to five respectable resident citizens at their own request. But we have sent by mail single papers, addressed to public officers, editors of newspapers, clergymen, and others. If, therefore, our object is to excite the slaves to insurrection, the masters are our agents."

That is the exposition which they put forth in 1835, when this excitement first began. These sentiments have been reiterated nearly every year from that time to this; and, as far as I know anything of the movements of this organized society, they have religiously and scrupulously lived up to them. I have yet to see the first resolution they have passed, the first line they have printed, in contradiction or contravention of this platform, thus laid down in 1835.

What was the state of feeling at the South at that time, when this body was so small and contemptible? I want to read a few resolutions passed in South Carolina in the year 1835, to show who was getting up excitement. At a meeting of St. James's and St. George's Parishes, South Carolina, they—

"Resolved, (unanimously) That should the non-slaveholding States omit or refuse, at the ensuing meetings of their respective Legislatures, to put a final stop to the proceedings of their abolition societies against the domestic peace of the South, and effectually prevent any further interference by them with our slave population, by efficient penal laws, it need then become the solemn duty of the whole South, in order to protect themselves and secure their rights and property against the unconstitutional combinations of the non-slaveholding States in the murderous designs of their abolitionists, to withdraw from the Union."

There was the issue presented in 1835. If the non-slaveholding States did not pass penal laws to put down the Abolitionists in 1835, it was the solemn duty of the Southern States, according to these resolutions passed in South Carolina, to withdraw

from the Union. Well, sir, I have in my hand another remarkable paper, taken from the Charleston *Mercury*, published about the same time, headed the "Crisis." This paper says:

"The proper time for a convention of the slaveholding States will be when the Legislatures of Pennsylvania, Massachusetts, and New York, shall have adjourned without passing laws for the suppression of the abolition societies. Should either of these States pass such laws, it would be well to wait till their efficacy should be tested. The adjournment of the Legislatures of Northern States without adopting any measures to put down Garrison, Tappan, and their associates, will present an issue which must be met by the South, or it will be vain for us ever after to attempt anything further than for this State to provide for her own safety by defensive measures of her own. If the issue presented is to be met, it can only be done by a convention of the aggrieved States; the proceedings of which, to be of any value, must embody and make known the sentiments of the whole South, and contain the distinct announcement of our fixed and unalterable determination to OBTAIN THE REDRESS OF OUR GRIEVANCES, be the consequences what they may.

"We must have it clearly understood that in framing a constitutional Union with our Northern brethren, the slaveholding States consider themselves no more liable to any interference with their domestic concerns than if they had remained entirely independent of the other States; and that, as such an interference would, among independent nations, be a just cause of war, so among members of such a Confederacy as ours, it must place the several States in the relation towards each other of open enemies. To sum up in a few words the whole argument on this subject, we would say that the abolitionists can only be put down by legislation in the States in which they exist, and this can only be brought about by the embodied opinion of the whole South, acting upon public opinion at the North, which can only be effected through the instrumentality of a convention of the slaveholding States. For this we believe the public mind is not yet prepared, especially in our sister States."

That was to be the time for the Convention. If the Legislatures of Massachusetts, Pennsylvania, and New York, then in session, adjourned without passing laws to put down abolition societies, then the time for a Southern Convention had come. Mark the expression, "should either of these States pass such laws, it would be well to wait till their efficacy can be tested."

Now, sir, was the South arrayed against Tappan, Garrison, and the societies designated in the speech of the Senator from South Carolina as "small and contemptible?" If the Legislatures of Massachusetts, Pennsylvania, and New York, did not come to their rescue, it was time for a convention of the slaveholding States.

"For this we believe the public mind is not yet prepared, especially in our sister States."

"Not yet prepared." There was something to be done to prepare the public mind for it. "We believe the public mind is not yet prepared in the sister States." It seems that the public mind was pretty well prepared in South Carolina, but something was to be done to prepare the sister States; and, in this connexion, it seems to me that the letter which I read yesterday has a most pregnant and significant meaning. Mr. CALHOUN, writing to Duff Green, says:

"Since you passed through the South, the excitement in relation to the Northern fanatics has greatly increased," &c.

How far short of disunion was the remedy to be found? Why, if they could be so far prepared as to put a certain man at the head of the Union, would they stop thus far short of disunion? That was the meaning of it. But the thing was not then "prepared" in the sister States; though, I suppose, the gentlemen who thought the sister States not sufficiently prepared fifteen years ago, suppose they have got them pretty well prepared by this time.

The Senator from South Carolina, speaking of the anti-slavery agitation at the North, says, "which, as is now acknowledged, has endangered the Union." Now, sir, that is not the case. The Union was safe enough, the public mind was safe enough, fifteen years ago. I hold in my hand a newspaper called

the *Union*, published in this city the 14th of February last; and this editor, who, I suppose, will be admitted to be good authority on the subject, says:

"The following fact stands out prominently in the history of parties in New Hampshire, viz: that before the annexation of Texas and the treason of John P. Hale to the Democratic party, (which act of treachery he sought to justify on the pretext of opposition to the admission of Texas,) that party was as free from all taint of abolition or free-soilism as the Democracy of Virginia. They opposed all agitation of the slavery question, and they opposed the abolitionists in every form."

Now, sir, you have this declaration coming from this source—one that will not be disputed—that up to the annexation of Texas in 1845 there was as little Abolitionism and Free-Soilism in New Hampshire, as in Virginia herself. And if the same be true of New Hampshire, it is true of all the Northern States generally, so far as anything affecting the public councils are concerned. But at that time what did the North see? They saw then the proposition, clearly and unblushingly put forth, that the whole purposes and energies of the Government must be brought to bear for the purpose of strengthening and sustaining the institution of slavery. The following is the announcement that was made by the Secretary of State:

"A movement of this sort [abolition of slavery in Texas] cannot be contemplated by us in silence; such an attempt upon any neighboring country would necessarily be viewed by this Government with deep concern; but when it is made upon a nation whose territories join the slaveholding States of our Union, it awakens a still more solemn interest; it cannot be permitted to succeed without the most strenuous efforts on our part to arrest a calamity so serious to every part of our country. The establishment in the very midst of our slaveholding States of an independent Government, forbidding the existence of slavery, and by a people born for the most part among us, reared up in our habits and speaking our language, could not fail to produce the most unhappy effects upon both parties."

This, sir, is the great secret of the opposition to the admission of California. It is because they are a people who accord with us in their hearts and speak our language, and have forbidden the existence of slavery among them. After the announcement to which I have referred of the Secretary of State, Mr. Upshur, the Government went to work and negotiated a treaty of annexation. I think it is wrong, however, to say of annexation—that Texas was annexed to the United States. It is not so; the United States were annexed to Texas, as the matter was consummated. Texas applied to us for annexation. Messrs. Van Buren and Forsyth believed they had not the right to do it consistently with national faith, and they rejected it.

Then we applied to Texas, and she rejected us; and then a second time we asked Texas to take us, and she consented to do so; and I therefore protest in the name of justice against calling it annexation to the United States. Texas stood off, and we went to her a second time, and she took us, and the avowal we made to induce them to do it was, that we could not maintain and defend our institutions unless they came to our rescue. The communication of Mr. Calhoun to Mr. Green, the American Charge to Mexico, communicating the annexation of April 19, 1844, says:

"And, in the next place, that the step was forced on the Government of the United States in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas. It was impossible for the United States to witness with indifference the efforts of Great Britain to abolish slavery there. They could not but see that she had the means in her power, in the actual condition of Texas, to accomplish the objects of her policy, unless prevented by the most efficient measures; and that, if accomplished, it would lead to a state of things dangerous in the extreme to the adjacent States and the Union itself. Seeing this, the Government has been compelled, by the necessity of the case and a regard to its constitutional obligations, to take the step it has, as the only certain and effectual means of preventing it."

That was the doctrine advanced by Mr. Calhoun in his letter to Mr. Green, and the same doctrine was insisted on in his letter to Mr. Pakenham, the

British Minister, which I will not trouble the Senate with reading. The letter is dated the 18th of April, 1844, and declares, in effect, that measures must be taken to prevent abolition in Texas, to guard against the injurious effect on us. It was the avowal of these sentiments by the General Government, thus boldly and unblushingly made, and the declaration of Mr. Calhoun that unless those efforts should succeed it would involve the whole country, and not the slaveholding States alone, in great calamity, that awakened and aroused the public sentiment at the North. They saw then the revolution about to be effected in the Government, and that, instead of quietly employing ourselves at home, we were seeking to strengthen our hands by the incorporation of foreign nations in this Union to sustain the institution of slavery.

Now, in connection with this subject of the annexation of Texas, I come to the recent speech of the Senator from Massachusetts, [Mr. WEBSTER] and I regret as much as any man being compelled to differ from the honorable Senator. But I have this consolation, that it I differ from the honorable Senator from Massachusetts in 1850, I agree with him in 1848. In a speech made by him in the Senate in 1848, the distinguished Senator from Massachusetts used this language:

"My opposition to the increase of slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to the lines of latitude or points of the compass. *I shall oppose all such extension and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitation of great interests, against all combinations, against all compromises.*"—Mr. Webster in the Senate, August 10, 1848."

I agree with that sentiment of his, however I may differ from some later things which he has said. I want now to call the attention of the Senate to some other remarks of the Senator from Massachusetts, made upon this subject in the Senate of the United States:

"Mr. President, there is no citizen of this country who is more kindly disposed toward the people of Texas than myself, from the time they achieved, in so extraordinary a manner, their independence from the Mexican Government. I have shown, I hope, in another place, and shall show in all situations and under all circumstances, a just and proper regard for the people of that country; but with respect to its annexation to this Union, it is well known that from the first announcement of any such idea, I have felt it my duty steadily, uniformly, and zealously to oppose it. I have expressed opinions and urged arguments against it everywhere and on all occasions in which the subject came under consideration, and could not now, if I were to go over the whole topic again, adduce any new views or support old views, as far as I am aware, by any new arguments or illustrations. My efforts have been constant and unwavering, but, like those of others, they have failed of success. I will, therefore, in a very few words, acting under the unanimous resolution and instructions of both branches of the Legislature of Massachusetts, as well as in conformity to my own settled judgment and full conviction, recapitulate before the Senate and before the country the objections which have prevailed, and which always will prevail with me, against this measure of annexation.

"In the third place, sir, I have to say, that while I hold, with as much integrity, I trust, and faithfulness as any citizen of this country, to all the original arrangements and compromises in which the Constitution under which we now live was adopted, I never could and never can persuade myself to be in favor of the admission of other States into the Union as slave States, with the inequalities which were allowed and accorded to the slaveholding States then in existence by the Constitution. I do not think that the free States ever expected or could expect, that they would be called on to admit further slave States, having the advantages, the unequal advantages arising to them from the mode of apportioning representation under the existing Constitution.

"Sir, I have never made an effort, and never propose to make an effort; I have never countenanced an effort, and never mean to countenance an effort, to disturb the arrangements, as originally made, by which the various States came into the Union; but I cannot avoid considering it quite a different question when a proposition is made to admit new States, and that they be allowed to

me in with the same advantages and inequalities which existed in regard to the oil.

Now, sir, as I have said in all this I acted under resolution of the State of Massachusetts—certainly subscribing with my own judgment—as effect repeated and reaffirmed by the unanimous consent of all men of all parties, that I could not well go through the series, affirming not only the impossibility, but the unconstitutionality of such annexation.

But my experience shows us that things of this sort may be sprung upon Congress of the people. It was so in the case of Texas. It was so in the twenty-eighth Congress. The members of that Congress were not chosen to decide the question of annexation or no annexation. They came in on their general political party, and were supported by reasons not connected with this question. They then took a resolution springing upon them the question of annexation. It required a vote, judgment upon it, and arrived he in course of annexation.

I think I see a course adopted which is likely to burn the Constitution of the land into a *defunctio nemur*—into a course, rather than a blessing; in fact, a frame of unequal laws, and founded on popular representation, not founded on equality, but on the gross inequality, and I think it will go on, that there is a *ding*—that it will go on, until the cause shall fall to pieces.

"I remain to be only and always! I never flatter, or wheedle, nor flatter upon the course. I know, sir, that all rise portions are discouraging. Would to God I could annihilate all influences. Would to God that those who look with me, and have, could hope for my support. Would that we could stand where we were to stand. I see the signs are not after. But with few or alone my position is fixed. If there were time, I would gladly awaken the country. I believe the country might be awakened; but I may be mistaken. But, supported or unsupported, by the blessing of God I will do my duty. I see well enough all the adverse objections. But I am sustained by a deep and conscientious sense of duty. And while supported by feeling and while such great interests are at stake, I feel anxious, and I ask no men but my country's cause."

There, sir, is where the Senator from Massachusetts placed himself in 1845; the measure is unconstitutional, and it is a snap judgment. Now, I ask, can any man be bound by a snap judgment unconstitutionally obtained? And yet, sir, in answer to the question I proposed to him a few days ago, if he thinks that this point resolution adopted by a majority of the two Houses of Congress imposed a contract upon us which was binding, he said that he does, and that we are bound in good faith to carry it out, and to admit four new slave States out of that territory by the force of the obligation imposed on us by those who passed the resolutions. I have nothing to say as to how that question will be met when it comes, and it is not very probable that I shall be in any public position to meet it when it does come up; but I undertake to say, for the present and hereafter, these resolutions impose no obligations on the whatever. I trust I shall always be ready to do justice to Texas, but no consideration of justice or anything else is imposed upon me by any obligation growing out of those resolutions.

It is true that by the Constitution Congress has the right to admit a State, but, because it can do that, it has no right to connect with that act a treaty with a foreign nation, out of which any obligation what you can rest on this Government. It is claimed that Congress made a compact with Texas—it is put on that ground—and my answer to it is, that Texas and everybody else knew that Congress, when it undertook to make that compact, did what it had no power to do, and what it was expressly prohibited from doing. Did not the President and Secretary of State send the matter to the treaty-making power; and when it failed, did not the President and those who had the matter at heart, set aside the tribunal to which in the first instance they resorted, and then appeal to the two Houses of Congress, as I remem, in derogation of the rights of the Senate, and in violation of its constitutional privilege? There is no obligation binding on my conscience growing out of such an act. I trust I feel as strongly as any Senator here the weight of every obligation which is imposed on an honorable or an honest man, but I do not consider that this subject addresses itself to me in any such capacity.

Well, sir, there are some curious coincidences

in relation to this Texas annexation. The Senator from Massachusetts, in that very patriotic speech for which he has been so much lauded that I cannot in anything in what I may say add to those laudations, and therefore will not attempt it—the Senator undertakes to charge on the Democracy of the North that they were governed by the purpose, in their support of the annexation of Texas, avowed by the Administration seeking it—and that was the desire to extend slavery. But the Senator from Illinois [Mr. Douglas] says that it is not so, and he shows us the record as exhibiting the fact that every Northern man in Congress who spoke on the subject cast from him the proposition of the Administration, and took another broad, comprehensive, liberal, enlightened, patriotic, and Christian view of it, and supported it solely on these considerations. Well, sir, there have been some remarkable and most astonishing coincidences, and this surely is one of them. I remember reading in the Pickwick Papers of another equally remarkable one. Young Weller was relating the circumstance of his father being once engaged to take some voters in his coach to an election poll. While thus engaged, the committee on the other side met him and suggested to him that there was a dangerous place on the road, where the coach must certainly upset, at the same time insinuating a £20 note in his hand. And, said the son, in telling of the circumstance, one of the most extraordinary circumstances was, that when father got to the place, the coach actually upset, and the voters were all thrown into the ditch, and did not get to the polls to vote. Well, sir, it seems that in this transaction in regard to Texas there is a coincidence equally astonishing. The moment the Senator from South Carolina perceived the necessity of the annexation of Texas for the purpose of sustaining, strengthening, perpetuating, and rendering eternal the institution of human slavery, that moment the Northern Democracy, before opposed to it, opened their eyes, and saw it as a great and glorious national measure. Just at that moment did they see all this, and supported the measure, not for the reasons assigned by the Administration, but for other reasons of a very different character. This, in my judgment, is certainly one of the most remarkable and astonishing coincidences on record.

There is another, equally astonishing, on this side of the chamber, exhibited in the course of the honorable Senator from Massachusetts, who filed a caveat against anybody taking a patent out for the use of his thunder, and who avowed his determination to defend it at all times and on all occasions. At the very time this thunder becomes a little annoying in some quarters, and threatens to embarrass the Administration, the Senator discovers all at once that the laws of God take care of the Proviso, and that it wants nothing at our hands. Where were these laws of God when the Oregon bill was under consideration? Were not those laws in as full operation in 1845 as they are in 1850? Does not the law of God take care of the Proviso up to 49 degrees, as well as below 35 degrees 30 minutes? Or, sir, are the laws of God and the institutions of piety more potent under the present Administration than they were under the last? Then it was absolutely necessary to insert the Proviso into the Oregon bill; but now, that a new Administration has come in, and this thunder is very annoying and disturbing to them, all at once it is discovered that there is no sort of necessity for having any thunder at all, and that the laws of God take care of the whole question. And the Senator says he would not re-enact the laws of God. What would he do, then? Would he enact laws in reprobation and condemnation of the laws of God? All the laws we pass must be either in accordance with or against the Divine will. Have they not laws in Massachusetts against murder, stealing, and perjury? And, if so, what are they but the re-enactment of the laws of God? Yet the Sen-

ator declares he would not re-enact the laws of God. Well, sir, I would. And when he tells me that the law of God is against slavery, it is a most potent argument to my mind why we should incorporate it with any Territorial bill, and against leaving it out.

Well, sir, I will draw those remarks which I am making to a close. I will pass to another subject, the bill for the surrender of fugitive slaves. That is a *sine qua non*. We must have a bill to carry out those provisions. Great fault has been found with the remark of the honorable Senator from New York, [Mr. SEWARD,] that the obligations which we owe to the Creator of all the earth are greater than those we owe to the Constitution. I do not stand up to take care of or defend the remarks of the Senator from New York, because he can do it better than I can do it.

But, however strong the Senator from New York may have made his position, however he may have said that the Constitution should be set aside when the laws of God contravene, he fell very far short of the position assumed by high authority laid down on this subject about the year 1835.

I will now read an extract from a letter written by Amos Kendall, then Postmaster General, to the postmaster of Charleston, in reference to the opening of packages in the mail. He says:

"The Postmaster General has no legal authority to exclude newspapers from the mail, nor prohibit their carriage or delivery, but I am not prepared to direct you to forward or deliver the papers of which you speak. By no act or direction of mine, official or private, could I be induced to aid knowingly in giving circulation to papers of that description, directly or indirectly. We owe obligation to the laws, but a higher one to the communities in which we live; and if the former be perverted to destroy the latter, it is patriotism to disregard them."

Now, sir, where is the fanaticism of the Senator from New York? Why, it does not come up to the A B C of this fanaticism; and this was doctrine promulgated by the Administration, by its official organ in 1835—that we owed obedience to the laws under which we lived, but that we owed a higher obligation to any mob in the Union who chose to disregard them. Now, I do not stand here to defend or explain anything the Senator from New York may have said; but let it be as fanatical as it may be, it is milk and water in comparison with what was promulgated by the United States Postmaster General to his subordinates in 1835, that the obligations of the Constitution might be set at naught by an officer of the Government, when he supposed that the interests of the community in which he lived required it. What is the doctrine here maintained? I want to know. Is the Senate ready to answer that question which was propounded more than 1800 years ago by the apostle, when he asked, "whether it be right in the sight of God, to hearken unto you more than unto God, judge ye." Has it been settled, then, that this doctrine implied by the interrogatory proposed by the apostle, viz: the unqualified supremacy of God's law, is to be set at naught, to be derided, to be treated contemptuously, to be trodden under foot by every man? Is a sense of religious obligation to be scorned as unworthy of a place in this republican assembly? I do not know how far such doctrines may go, but I will say that while I am disposed to yield all obedience to the constitutional laws under which we live, I will stop a great deal short of the mark laid down by the honorable Senator from North Carolina yesterday. He says—"if judgment is obtained by fraud or violence, it is the duty of the citizen, not to arrest that judgment, but to see it carried out."

I have stated on another occasion what are my objections to the bill before the Senate. They are, that while it recognises slavery, it recognises nothing else but slavery. This bill is not framed with reference to negroes; it is framed with reference to anybody and everybody, and proceeds on the assumption that the man who is seized in a free State is of course a slave. Now, the presumption of the law

in the State where I live, where no slavery is recognised by law, is, that every man there is a freeman, both in the technical and political sense of the word. But this bill, with the amendment attached to it, with its affidavits taken a thousand miles off, behind his back, supposes that the man seized is a slave; and its passes over and entirely forgets one provision of the Constitution, which is, that no person shall be seized without due process of law. But gentlemen argue as if the person seized must of necessity be a slave, and the bill supposes and recognises him as a slave. Then we are told it will be impossible to carry out the provisions of the Constitution unless some bill of this sort is passed. Let us suppose an individual living in New Hampshire from his birth is seized as a slave: the thing has occurred of the seizure of an individual not many years ago, who drew every breath he ever drew in New Hampshire. It was a rare occurrence, and I remember it was so rare that, when the prosecuting authorities undertook to proceed against those who had seized this individual, no statute against kidnapping could be found, and they were indicted at common law; since that time, a statute has been enacted. Now, suppose an individual of that character is seized there—an individual who has been born, nurtured, and brought up there, owing allegiance and being entitled to protection there. You come upon him with an affidavit taken a thousand miles off, and you seize him. Where is that man's right? Where is the trial by jury? Where is the *habeas corpus*? Where is the protection which the Constitution guaranties to the meanest citizen living under the law? Why, sir, it is trampled in the dust by this bill; he is carried before a tribunal by one of the officers of the Government, without the right of a supervisory examination of a Judge of the United States Court within the district; without any of the privileges belonging to a freeman, he is seized and hurried off; and, although it may appear upon the face of it a mere *prima facie* examination, it is to all intents and purposes a final and conclusive judgment, because the officer gives to the claimant a certificate, and he hurries him off; and when he gets to the great slave mart of Christendom, the city of Washington, he may sell him or send him wherever he pleases. Now, I am free to say, once for all, much as I love the Union, much as I reverence its institutions, fond as are my memories which cling around its early histories, I would sacrifice them all to-day before I would consent that the citizens of my native State should at one blow be stripped of every right that is dear to them, and for which their fathers bled and died.

Now, sir, if that is to be the price of the preservation of the Union, I say, "come disunion, and come to-day;" if you can only purchase peace with us by compelling us to surrender everything which exalts us above your slaves, let disunion come; I think the people of the free States will be ready for it. I am utterly astonished to hear a proposition of this sort made in the American Senate. The bill proceeds entirely on the assumption that there are no rights in the Constitution, except the rights of slavery, and there is not a single word or letter in the proposition I have read, and I have read it very carefully, that is found to guard and protect with any efficient legislation the rights of a man or a child that may be wrongfully seized. Why not frame a bill that secures the rights both of the slaveholder and freeman? Why is there not some penalty imposed upon those persons who, upon some pretence or color of right, undertake, unlawfully, to seize an individual? Does not the same obligation rest upon us to deliver up all your property, even a horse, if it should escape? Are not the free States under every obligation which an honest man would be under? Are they not bound, as honest men, to deliver up that property?

Every citizen has a right to sue in the courts of his own State for the recovery of his property, and the Constitution of the United States provides that "the citizens of each State shall be entitled to all

privileges and immunities of citizens in the several States." There are courts, and a law of civilized society; a law which compels us to deliver up all the property of any citizen which may be found in our State. In New Hampshire, you cannot come and take a horse without a trial by jury, nor any other property, amounting in value to \$13.33, if any individual contests it. But you come and take, not the horse, but the rider; not the accident, but the man; not a cow, but a child. Then the safeguards which the Constitution throws around property are stronger than for the man, and there is no help for him. But let me not be misunderstood; nor let it be said that I was ready to dissolve the Union. I said no such thing; and the ingenuity of no man is competent to torture what I said into such a meaning. I said, sooner than surrender those rights for which the battles of the Revolution were fought, I would let the Union go; for the Union was formed to secure the blessings of liberty, as our fathers have said; but when it is used to secure the curses of slavery, then, I say, it should go down. I cannot suppose a bill of this character can possibly pass, unless it is made effectual to prevent abuses of this sort.

We are accused of having other purposes in this matter, and intending to irritate, wound, and insult the feelings of Southern gentlemen; but I ask you, if we have ever said anything on this subject that begins to come up to the declarations which have been taught us by the founders of the Republic in the slave States. I will not read them, but if I should be so foolish as to write out this speech, I may transcribe some of these declarations, made by the honorable William Pinkney, of Maryland, on this subject. Sir, everything which the Abolitionists now say is tame, insipid, and heartless, compared with the denunciations made by him in the Legislature of Maryland, in 1789.

*Extracts from a speech of Wm. Pinkney, delivered in the Maryland Legislature, July 1789, on a bill for the relief of oppressed slaves.*

"The generous mind that has a legitimate idea of the inherent rights of mankind, and knows the value of them, must feel its indignation rise against the shameful traffic, that introduces slavery into a country which seems to have been designed by Providence as an asylum for those whom the arm of power has persecuted, and not as the nursery for wretches stripped of every privilege which Heaven intended for its rational creatures, and reduced to a level with—say, become themselves—THE MERE GOODS AND CHATTELS OF THEIR MASTERS.

"Sir, by the eternal principles of natural justice, NO MASTER IN THE STATE HAS A RIGHT TO HOLD HIS SLAVE IN BONDAGE FOR A SINGLE HOUR; but the law of the land, which (however oppressive and unjust, however inconsistent with the great ground-work of the late revolution and our present frame of Government) we cannot, in prudence or from a regard to individual rights, abolish, has authorized slavery as base, or perhaps worse, than the most absolute unconditional servitude that ever England knew in the early ages of its empire, under the tyrannical policy of the Danes, the feudal tenures of the Saxons, or the pure vassalage of the Normans.

"Sir, the natural character of Maryland is sufficiently suited and dishonored by barely tolerating slavery; but when it is found that your laws give every possible encouragement to its continuance to the latest generations, and are ingenious to prevent even its slow and gradual decline, how is the evil of the importation deepened? It may even be thought that our late glorious struggle for liberty did not originate in principle, but that it arose from popular caprice, the rage of faction, or the omnipotence of party.

"Sir, let gentlemen put it to themselves, that, after Providence has crowned our exertions in the cause of general freedom with success, and its defence independence through a myriad of dangers, and its defence of obstacles crowding thick upon each other, we should not soon forget the principles upon which we did to arms, and lose a sense of that interposition of Heaven by which alone we could have been saved from the grasp of arbitrary power. We may talk of liberty in our public assemblies, and fancy that we feel a reverence for her dictates; we may declaim, with all the vehemence of an excited orator, against oppression, and flatter ourselves that we detest the ugly monster; but, so long as we continue to cherish the poisonous weed of partial slavery among us, the world will doubt our sincerity. In the name of Heaven, with what face can we call ourselves the friends

of equal freedom and the inherent rights of our species, when we wantonly pass laws inimical to each; when we reject every opportunity of destroying, by silent imperceptible degrees, the horrid fabric of individual bondage; reared by the mercenary hands of those from whom the sacred flame of liberty received no devotion?

"Sir, it is pitiable to reflect to what wild inconsistencies, to what opposite extremes we are hurried by the frailty of our nature. Long have I been convinced that no generous sentiment of which the human heart is capable, no elevated passion of the soul that dignifies mankind, can obtain a uniform and perfect dominion, to-day we may be aroused as one man, by a wonderful and unaccountable sympathy, against the lawless invader of the rights of his fellow creatures; to-morrow we may be guilty of some oppression which we reprobated and resisted in others. Is it, Mr. Speaker, because the complexion of these devoted victims is not quite so delicate as ours? Is it because their untutored minds (humbled and debased by the hereditary yoke) appear less active and capacious than our own? or is it because we have been so habituated to their situation as to become callous to the horrors of it, that we are determined, whether public or not, to keep them till time shall be no more on a level with the brutes? 'FOR NOTHING,' says Montezumeh, 'SO MUCH ASSIMILATED A MAN TO A BRUTE AS LIVING AMONG FREEMEN HIMSELF A SLAVE.'

"CALL NOT MARYLAND A LAND OF LIBERTY; do not pretend that she has chosen this country as an asylum; that she has erected her temple and consecrated her shrine, when here also her unshattered enemy holds his hellish pandemonium, and her rulers offer sacrifices at his polluted altars. The lily and the bramble may grow in social proximity, but LIBERTY AND SLAVERY DELIGHT IN SEPARATION.

"I would as soon believe the incoherent tale of a school-boy, who should tell me that he had been frightened by a ghost as that the grant of manumission ought in any degree to alarm us. Are we apprehensive that these men will become more dangerous by becoming FREEMEN? Are we alarmed lest, by being admitted to the enjoyment of civil rights, they will be inspired with a deadly enmity against the rights of others? Strange, unaccountable paradox! How much more rational would it be to argue that the natural enemy of the privileges of a freeman is he who is robbed of them himself! In him the foul fiend of jealousy converts the sense of his own debasement into a rancorous hatred for the more auspicious fate of others, while from him whom you have raised from the degrading situation of a slave, whom you have restored to that rank in the order of the universe which the malignity of his fortune presented him from obtaining before, from such a man (unless his soul be ten thousand times blacker than his complexion) you may reasonably hope for all the happy effects of the warmest gratitude and love.

"Sir, let us not limit our views to the short period of a life in being; let us extend them along the continuous line of endless generations yet to come. How will the millions that now teem in the womb of futurity, and whom your present laws would doom to the CURSE OF PERPETUAL BONDAGE, feel the inspiration of gratitude to those whose sacred love of liberty shall have opened the door to their admission within the pale of freedom? Dishonorable to the species is the idea that they would ever prove injurious to our interests; released from the shackles of slavery, by the justice of Government and the bounty of individuals, the want of fidelity and attachment would be next to impossible.

"It is for us to reflect that whatever the complexion, however ignoble the ancestry or uncultivated the mind, ONE UNIVERSAL FATHER GAVE BEING TO THEM AND US; AND WITH THAT BEING CONFERRED THE INALIENABLE RIGHTS OF THE SPECIES."

*Extracts from a speech delivered in the Maryland Legislature, November, 1789.*

"The door to freedom is fenced about with such barbarous caution that a stranger would be naturally led to believe that our statesmen considered the existence of its opposite among us as the *sine qua non* of our prosperity; or, at least, that they regarded it as an act of the most atrocious criminality to raise an hunted bondman from the dust, and place him on the stage of life on a level with their citizens.

"Mr. Speaker, iniquitous and most dishonorable to Maryland is that degrading system of partial bondage, which their laws have hitherto supported with a solicitude worthy of a better object, and her citizens by their practice countenanced.

"Founded in a disgraceful traffic, to which the parent country lent her fostering aid, from motives of interest, but which even she would have disclaimed to encourage, had England been the destined mart of such INHUMAN MERCHANDISE, its continuance is as shameful as its origin.

"Eternal infamy await the abandoned miscreants, whose selfish souls could ever prompt them to rob unhappy Africa of her sons, and freight them hither by thousands, to poison the fair Eden of liberty with the rank weed of individual



*bondage!* Nor is it more to the credit of our ancestors that they did not command those *savage spirits* to bear their hateful cargo to another shore, where the shrine of freedom knew no votaries, and every purchaser would at once be both a master and a slave.

"In the dawn of time, Mr. Speaker, when the rough feelings of barbarism had not experienced the softening touches of refinement, such an unprincipled prostration of the inherent rights of human nature would have needed the gloss of an apology; but, to the everlasting reproach of Maryland, *be it said, that when her citizens rivalled the nation from whence they emigrated in the knowledge of moral principles, and an enthusiasm in the cause of general freedom, they stooped to become the purchasers of their fellow-creatures, and to introduce an hereditary bondage into the bosom of their country, which should widen with every successive generation.*

"For my own part, I would willingly draw the veil of oblivion over this *disgusting scene of iniquity*, but that the present abject state of those who are descended from these kidnapped sufferers perpetually brings it forward to the memory.

"But wherefore should we confine the edge of censure to our ancestors, or those from whom they purchased? ARE NOT WE EQUALLY GUILTY? They strewed around the seeds of slavery, we cherish and sustain the growth. *They introduced the system, we enlarge, invigorate, and confirm it.*

"For shame, sir; let us throw off the mask; it is a cobweb one at best, and the world will see through it. *It will not do, thus to talk like philosophers, and act like unrelenting tyrants; to be perpetually sermonizing it, with liberty for our text, and actual oppression for our commentary.*

"Survey the countries, sir, where the hand of freedom conducts the ploughshare, and compare their produce with yours. Your granaries, in this view, appear like the store-houses of emmits, though not supplied with equal industry. To trace the cause of this disparity between the fruits of a freeman's voluntary labors, animated by the hope of profit, and the slow paced efforts of a slave, who acts from compulsion only, who has no incitement to exertion but fear, no prospect of remuneration to encourage, would be insulting the understanding. The cause and the effect are too obvious to escape observation.

THE EXTENSION OF CIVIL SLAVERY OUGHT TO ALARM US. In truth, we are the only nation upon earth that ever considered 'manumission' as a ground of apprehension, or the 'extension of slavery' a political desideratum."

That was said in 1789.

I will say, with regard to the subject which was up a few moments since, whenever a bill can be framed honestly to carry out the obligations of the Constitution, and carefully guarding against abuses, I will consent to carry out all these obligations in good faith; but good faith does not require that the rights of the States shall be perverted to enable persons to carry into effect the purpose of recapturing fugitive slaves. It should be remembered that where the interests of freedom and slavery are in contact, the interests of liberty should be preserved, protected, and guarded; and it is the duty of the Senate and of the National Legislature to protect and guard those rights of freedom.

Now, sir, with a single word about this general question, I leave the subject. My purpose and aim have been, not to throw any apple of discord into the Senate, or to excite any angry feelings; but when an attempt was made by the Senator from South Carolina to give, with all the authority attached to his great name and reputation, an historical account of the manner in which this subject had arisen and had been treated, and when I saw in that historical account great injustice had been done, as I thought, I considered that a sense of duty required me, according to the measure of my feeble abilities, to correct it, and attempt to do it justice. I have no purpose and no desire to say or do anything that may be exciting, or wound the feelings of anybody. The honorable Senator from North Carolina, [Mr. BADER,] in his appeal to the Senate, puts the question to us, if we are willing to go on with a measure which the people of the Southern States must consider as a great wrong and an insult to their feelings? I will tell you where I think this excitement grows from and springs from. I believe it grows from the very building in which we stand; and that the people of the South never suspected that they were being wronged and insulted, till they were told so from

the city of Washington. I believe that disturbing matter goes out in speeches made in this Hall, and in the other end of the Capitol.

I believe that no possible ingenuity, no course of reasoning, could have induced the Legislatures of the Southern States to think that a simple perseverance in a course of legislation, commencing with the Constitution, and older than the Constitution itself, is insulting and wrong, unless it had been industriously circulated and sent out in speeches made here.

Now, sir, an appeal is made to gentlemen of the North, to come forward and save this Union. I make an appeal to gentlemen of the South, and I ask them to cease from representing the North as oppressive; I ask them to cease from representing that there is a design, or a purpose, or a wish to do wrong or injustice to any portion of this Confederacy; I ask them to cease, from this day henceforth and forever, from representing that the passage of the Ordinance of 1787, and applying it to the Territories of the United States in the bills organizing Territorial Governments, is anything but a bill that coincides with the Constitution, and runs with it to the present time; I ask them to go home and tell their constituents that this bill is the same which was applied by the old Continental Confederacy to every inch of territory which we then owned, and that there has never been a Territorial bill different from this, down to the organization of the Oregon Territory, in which the right and the power of Congress to legislate upon this very subject of slavery has not been introduced and acted upon undisputed. Now, if gentlemen from the Southern States will do this, if they will put the history of Government right before their own constituency upon this subject, they will do more to allay the agitation there than the whole North can possibly do. What is asked of the North? They are asked not only to abandon the policy under which the Constitution was framed, but the honorable Senator from South Carolina, speaking for the South upon this subject, comes forward, and not only wants us to abandon it—to abandon all that we have done under the Constitution—but to give up the Constitution itself. That is what we are very modestly asked to do. He says: "Is it not then certain, that if something decisive is not now done to arrest it, the South will have to choose between abolition and secession?" What is to be done? The honorable Senator from South Carolina requires the insertion of a provision in the Constitution which will restore to the South the power which she possessed to protect herself. This, sir, is the very modest concession we are called upon to make; we are not only to give up the whole policy of legislation under which we have lived for sixty years, but we are to give up the Constitution itself, and insert a provision that shall forever maintain the equilibrium intended to be established. Sir, ingenuity is at fault when it comes to speculate upon the character of this proposed amendment.

Well, what is that amendment to be? Shall it be provided that the North shall not be populated any faster than the South? Or shall it provide that the voice of the slaveholding States, few as they may be, shall always be equal to that of the non-slaveholding States, however numerous and however much exceeding them in population? The Senator did not see fit to explain the nature of the amendment he proposed, but simply announced there must be some amendment made, without telling us what it was, as the price of the peace we are seeking. I look, then, upon it as a dissolution, so far as the settled opinions of that Senator are concerned, and that the time for which some of the sister States of South Carolina were not quite prepared fifteen years ago, has now come, and unless this important constitutional amendment is made by way of equilibrium, the South are prepared for secession, and that secession they will take, because he says they will be forced to choose between abolition and secession;

and, indeed, as things are now moving, he thinks they will not be required to secede. Agitation, if not censured, will do the work for them.

With this exposition of the matter, I leave it, and I leave the country to judge who it is that usurps power, and who it is that keeps up agitation—whether it is the men of the North or of the South who are to blame for the present state of excitement in the country. As regards the threats of secession made by the Senator from South Carolina, apparently regarding that as being the only remedy for the evils under which the South is now suffering, I have only to say, that of the propriety of the measure it is for them to judge, and for them to decide in view of the measure and its consequences.

Let me say, in conclusion, that that is not the end nor the purpose at which I aim, and at which, as far as I know, those with whom I act aim. We desire action, not out of the Constitution, or against the Constitution, but in and under it. We desire to see that Constitution carried out as intended by its framers, and to see it administered in the spirit in which it was formed. And, sir, we desire to see, also, the abolition of slavery effected throughout the world. I will not undertake to say how it is to be done; but no action of this Government is desired to effect it. We do not expect that public or political measures are to effect it; but by appealing to the hearts and consciences of men, by bringing home the principles of Christianity and the appeals of humanity to those who have the power to influence the men around them, and who have hearts to feel, we trust they will be induced to remedy or remove the evils under which the country, in this connection, labors. This is what we desire, and aim at; and firmly believing in the providences of God, we trust the day will yet dawn upon

this country when the word slavery shall be a word without a meaning; and when those whose efforts are for universal freedom shall have, as their fathers had in the days of the Revolution, the earnest, hearty sympathies of those who live in the slaveholding States; and when every section of the Union will join hands with the other in spreading abroad the principles of humanity, philosophy, and of Christianity, which shall elevate every son and daughter of the human race to that liberty for which they were created, and for which they were destined by God.

That happy period, sir, will yet dawn upon the destinies of this nation; and then shall the united and universal shout of a regenerated people go up in one strong swelling chorus to the throne of the Most High, unmingled with the groans or prayers of the victims of oppression, living under any human form of government. These opinions, sir, we entertain, and these hopes we cherish, and we do not fear to avow them here now, always, and forever. We ask not the aid of this Government to bring it about; for we know that under the Constitution you have no power to move in the work, and therefore any such appeal of ours would be ill-timed. What we have a right to ask, and do ask, in the name of justice, of humanity, and of liberty, is that you place not this Government in the way—that you do not by any action of yours interpose to extend the boundaries of slavery, or retard the progress of human freedom and improvement. Sir, this great cause must prosper, and it is of little consequence to the cause whether this Government is found for it or against it; but it is of great moment to the Government, lest, unhappily, in this great controversy, it be found fighting against God.

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